

**FILED**

JUL 13 2010

UNITED STATES  
BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA

IN THE UNITED STATES BANKRUPTCY COURT

DISTRICT OF ARIZONA

MINUTE ENTRY/ORDER

FOR MATTER TAKEN UNDER ADVISEMENT

Bankruptcy Judge: Hon. Redfield T. Baum

Case Name: Andrew C. Bailey, Chapter 11

Case No.: 2:09-bk-06979-RTBP

Adversary Name: Andrew C. Bailey vs. Wells Fargo Bank & Lehman Brothers Bank FSB & First American Title Insurance Co., & John Does "1-1000"

Adversary No.: 2:09-1731

Subject of Hearing: Motion To Dismiss Second Amended Complaint Filed by Lehman Brothers Bank FSB, Wells Fargo Bank, NA

Date Matter Taken Under Adviseement: June 30, 2010

Date Ruled Upon: July 13, 2010

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Pending before the court is the motion to dismiss second amended complaint filed by Wells Fargo Bank and Lehman Brothers Bank ["Motion" at docket #39]. On June 30, 2010, the court held oral argument on the Motion. After careful review of the record, and based upon good cause in the Motion, the court concludes that the second amended complaint fails to state a claim upon which relief can be granted. Therefore, the Motion is granted.

Counsel for defendants shall prepare and lodge an appropriate form of order.

Copy of the foregoing  
mailed this 13 day of  
July, 2010 to:

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by

  
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